Human Rights and Democracy Assistance: Increasing the Effectiveness of U.S. Foreign Aid
Testimony before the House Committee on Foreign Affairs

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Mr. Chairman, Congresswoman Ros-Lehtinen, thank you for the opportunity to testify today.

I want to commend you for considering the difficult and somewhat thankless task of foreign aid reform, and in particular for working to improve democracy and human rights assistance. This effort may not be as appreciated domestically as it should be, but millions overseas will be grateful, and in the end that will benefit Americans here at home.

The timing of this hearing is appropriate in a historical sense. It was 28 years ago this week that President Ronald Reagan gave his "Westminster" speech at the House of Parliament in London. It was a time when dictators still ruled in the Soviet Union, the Philippines, Chile, South Korea and many nations in between.

President Reagan said "We must be staunch in our conviction that freedom is not the sole prerogative of a lucky few, but the inalienable and universal right of all human beings. So states the United Nations Universal Declaration of Human Rights…"

But Reagan went beyond simply noting the importance of freedom in the speech. He laid out a strategy to achieve it, stating that "If the rest of this century is to witness the gradual growth of freedom and democratic ideals, we must take actions to assist the campaign for democracy. While we must be cautious about forcing the pace of change, we must not hesitate to declare our ultimate objectives and to take concrete actions to move towards them."

Further, he enunciated a method to help achieve the strategy, saying "the objective I propose is quite simple…to foster the infrastructure of democracy, the system of a free press, unions, political parties, universities, which allows a people to choose their own way to develop their own culture, to reconcile their differences through peaceful means."

Reagan counseled patience, noting that "the task I've set forth will long outlive our generation." He would be characteristically modest about his role, but within eight years, the number of "free countries" in Freedom House's survey had risen to 76, compared to 51 at the time of his inaugural, "partly free countries" had risen to 65 from 51, and "not free" countries had declined from 60 to 42. Most dramatically, the Soviet bloc had disintegrated. While many West Europeans now claim it was engagement – exemplified by "Ostpolitik" – that ended the Cold War, those who lived under Soviet domination instead give much credit to Pope John Paul II, Margaret Thatcher and Ronald Reagan.

Lech Walesa wrote, "in the Europe of the 1980s, Ronald Reagan presented a vision. For us in Central and Eastern Europe that meant freedom from the Soviets…we owe him our liberty." As Ted Kennedy noted on Reagan's death, "he will be honored as the president who won the Cold War."

Moreover, by re-crafting President Jimmy Carter's human rights approach into a policy concerned with the structure of states, Reagan made these bipartisan and durable elements of our foreign policy. As Aryeh Neier wrote in 1989, "the Reagan administration effectively ended debate over these issues. These propositions were now taken for granted. Eight or nine years ago, they could be dismissed as idiosyncrasies of the Carter administration…at the end of the Reagan administration, concern with human rights appeared to have secured a permanent place in the formulation of our policy toward other nations."

In retrospect, that America would be so concerned with human rights and democracy seems so obvious and self evident. It is hard, however, to over-emphasize what a departure Reagan's policies were from almost two centuries of American foreign policy.

To be sure, even before America's founding, John Winthrop had spoken of the new world as a "City upon a Hill," an example from which he hoped others would gain inspiration. This thinking found its way into the foreign policy of a number of 20th century presidents, particularly after World War II. As implied by Neier, however, it was not until Jimmy Carter's presidency that America determined to actively and persistently offer our perspective on human rights. As Carter said in 1977, "it is a new world that calls for a new American foreign policy – a policy based on constant decency in its values and on optimism in our historical vision. Throughout the world today, in free nations and in totalitarian countries as well, there is a preoccupation with the subject of human freedom, human rights. And I believe it is incumbent on us in this country to keep that discussion, that debate, that contention alive. No other country is as well-qualified as we to set an example."

In the aftermath of Vietnam, Carter's policy focused as much on America's friends as its foes, and for this he came to be roundly criticized by many conservative Republicans. They believed that his policy was a major cause of the overthrow of Washington-allied regimes in Nicaragua and Iran, with consequent harm to American foreign policy interests.

There were, therefore, efforts early in the Reagan administration to downgrade human rights in numerous public pronouncements, and by re-engaging (conservative) authoritarian regimes. Congressional reaction was fierce; the Republican dominated Senate Foreign Relations Committee declined, 13-4, to recommend for confirmation President Reagan's nominee as Assistant Secretary for Human Rights, and Congress also attached conditions to the administration's renewed arms sales to friendly autocrats.

Within the Reagan administration, Republicans who believed that the Carter administration's policy – if not its focus on friendly nations – had philosophical validity began to re-craft it. An October 1981 memo to the President authored by Deputy Secretary of State (and Reagan confidant) William Clark argued for strengthening the administration's stance on human rights

and introducing elements of democratization, stating that "human rights is not something we tack onto our foreign policy but is its very purpose: the defense and promotion of freedom in the world…we will never maintain wide public support for our foreign policy unless we relate it to American ideals…"

A group of White House and State Department political and career officials subsequently helped craft the ideas that comprised Reagan's Westminster speech. They also helped ensure that American diplomats gave contextual support to the policy in, for example, the Soviet Union, Nicaragua and Poland, and then in allied autocracies such as Chile, the Philippines and South Korea.

In implementing the President's speech, the administration took much inspiration from Congress. As early as 1967, Congressman Dante Fascell had introduced a bill to establish an "Institute of International Affairs" to promote democratic values abroad. Fascell, by 1982 House Foreign Affairs Committee Chairman, partnered with then-Congressman Ben Gilman and the Reagan administration to establish, by legislation, the institution Reagan imagined in the Westminster speech, the National Endowment for Democracy, or NED (of which my organization, the International Republican Institute, IRI, is a part).

Indeed, for more than 30 years, beyond the inception of NED, Congress has truly been at the forefront on issues of human rights. For example, the State Department Bureau I headed, for Democracy, Human Rights and Labor, was also founded by an act of Congress. On many occasions the Congress has actually led on human rights and democracy policy. The annual State Department Country Reports on Human Rights were established over the objections of the then-administration. I referred earlier to Congressional action on human rights early in the Reagan administration. In the 1990s and this decade, a number of the entities within the State Department intended to advance human rights – the Office of International Religious Freedom, the Office to Monitor and Combat Trafficking in Persons, and the Special Envoy to Monitor and Combat Anti-Semitism – were also established over administration opposition. The recent Advance Democracy Act was opposed by the then-administration. Legislative action regarding human rights in various countries, from China to El Salvador to South Africa, has been taken by Congress despite the administration's wishes. It is especially important to note that passage of such legislation was undertaken by Congresses with Democratic or Republican majorities during both Democratic and Republican administrations.

In this constructive spirit, many of the provisions being circulated here in Discussion Paper #3, on human rights and democracy, merit consideration. Having served as Assistant Secretary for Democracy, Human Rights and Labor (DRL), many of the obstacles outlined are incisive and thoughtful. In particular, I agree that:

- our assistance is fragmented;
- there exist major gaps in coverage (particularly on human rights and press assistance);
- the various reports required by Congress could be better used in shaping policy;
- there are few incentives for Foreign Service officers to specialize in human rights and democracy; and that

- the U.S. Agency for International Development's (USAID) democracy and governance (D&G) office has been so weakened as to be marginalized.

I do have to disagree with one of the "obstacles" described in the paper. The first point states that "democracy assistance" tends to be defined narrowly in terms of political parties, elections and government institutional capacity building, while undervaluing equally important aspects" such as media, rule of law, human rights and the civil sector. I cannot speak to "government institutional capacity building", but if one takes the generally accepted figure (used by Tom Carothers, amongst others) that the U.S. spends $2.5 billion a year on democracy assistance, IRI, the National Democratic Institute (NDI) and the International Foundation for Electoral Systems (IFES) – the three organizations delivering assistance on "political parties and elections" – combined received last year $280 million, just over 11 percent of the total funding (and all three organizations do extensive civil sector work within their budgets). This is not to argue for more funding, but simply to point out that one would expect IRI, NDI and IFES to receive more than 11 percent if democracy assistance were "narrowly defined" on our work.

Many of the solutions outlined are thoughtful, including Mission "action plans" (with classified annexes), consolidating required reports, upgrading USAID's D&G office, and requiring that Foreign Service officers rotate through functional bureaus before they enter the senior ranks.

I do have a few suggestions regarding the paper's proposals.

- The language on coups needs to be carefully considered to ensure that the U.S. wouldn't be obligated to end assistance in the case of a peaceful, early end to "democratically-elected" regimes where the previous election wasn't sufficiently democratic. For example, the language described could have forced an end to aid to Serbia in 2000, Georgia in 2003, and Kyrgyzstan in 2005. In each case, the deposed regime had been elected in a widely disputed process that was not – officially – deemed by the U.S. Executive branch as undemocratic. Having observed, or been in, the State Department when a number of coups occurred that did not result in an aid cut-off, in my opinion a more effective instrument would be requiring a report to Congress within 30 days of a government being deposed, explaining why U.S. assistance has not been ended (in conformity with existing coup legislation). This would drive a policy process within the administration that would force more honest, public judgments.

- I agree with upgrading USAID's D&G office to a bureau. Elevating it would send a strong signal within the bureaucracy that the issue is important (as did earlier Congressional actions establishing DRL and the Bureau of South Asian Affairs at the State Department). I suggest that the legislation also state that the bureau would control USAID's considerable human rights and democracy assistance (in coordination with DRL, see below). My experience at DRL, with a greatly increased Human Rights and Democracy Fund (HRDF), showed that in the bureaucracy, money talks.

- On coordination, I think the issue is more one of ensuring full coverage and complementarity than alleviating overlap. There exist mechanisms – for example,

USAID representation on the DRL committee deciding HRDF grants – to minimize duplication. There should be complementary roles for different funds; for example, in the current structure HRDF should be restricted to be fast acting, and filling funding niches not occupied by USAID (e.g. innovative programs and programming in China, North Korea, etc.; I would add Cuba and other more repressive countries). That said, there's often too little senior contact between DRL and USAID's D&G office. Directing the DRL Assistant Secretary and the New Assistant Administrator of Democratic and Civil Development to coordinate their efforts, then bringing them up here annually to testify together (with the release of the annual Supporting Human Rights and Democracy report) would go a long way towards enhancing coordination. Direction also needs to be given regarding the respective policy and implementation roles of DRL and the upgraded USAID office.

I understand that these solutions are contemplated as one part of a larger foreign aid reform bill. Having worked in the House and Senate and been engaged from the State Department in the 1991 foreign aid reform effort, I also know that such a bill is subject to much consideration here and with the administration. Failing action on a comprehensive reform bill, the passage of many of these provisions independently would serve our foreign policy interests.

Beyond the issues addressed in Discussion Paper #3, I have a number of suggestions:

Tom Carother's recent paper, *Revitalizing Democracy Assistance: The Challenge of AID*, advocates that USAID's democracy assistance delivery mechanisms be greatly reformed, or that greatly increased democracy funding be given to DRL and NED. I tend towards the former. Carothers does a good job enumerating USAID's challenges, and I commend the paper to you. The changes suggested in the Discussion Paper – fighting bureaucratization, bolstering local ownership, and as previously discussed, strengthening the place of democracy and governance work – would go a long way to reforming USAID's efforts, and with greater efficiency might produce fiscal savings. Having a revitalized USAID, engaged in this work together with DRL and NED – in a coordinated fashion – would provide a variety of expertise without much duplication, and hopefully more fiscal efficiency.

If USAID revitalization along the lines Carothers recommends proves impossible, which is entirely possible, I have come increasingly to think that there is merit in Tom's idea of moving some of the programming and funding away from USAID to DRL and NED. Both are organizations focused solely on democracy and human rights. Doubling the budgets of both NED and DRL would not necessarily mean changes in the attributes that have made them effective relative to USAID (though going beyond that probably would). If this option were pursued, DRL in particular would need to receive approximately an additional 15 full time employees to handle the increased grant making workload (as noted below, it is already having problems handling current funding levels). If funding is transferred from USAID, NED should also agree to open up its grant process more to non-core nongovernmental organizations that receive funding from USAID.

There is an additional attraction to Carothers' second option. There is no reason that democracy and human rights funding in general should be exempt from coming deficit- driven budget cuts. In a more restricted budget environment, deducting an amount of money from USAID's accounts, giving some to both DRL and NED, and putting the rest towards deficit reduction has much appeal. USAID, traditionally a poverty reduction and economic development agency, has never been hospitable to democracy work, and tends to spread some democracy funding in every developing country. DRL and NED, both more efficient and more focused on democracy and human rights than USAID, tend to give grants for democracy work in countries more vital to U.S. interests, with a better sense of where progress can be made. Clearly, in the future, there will be reduced funding for all government functions, including foreign aid. Giving funding to efficient entities better able to target it and to produce results important to the United States has much merit.

DRL should retain its HRDF as a niche fund (for innovative, fast acting programming, including in countries such as China and Iran; and again, I would add Cuba and other repressive countries) in coordination with USAID. It should be made clear to DRL, however, that increasingly bureaucratic processes are robbing it of the quick, nimble consideration of programs and disbursement of funds that were once its hallmark. If DRL becomes as sclerotic as USAID, there is little reason for HRDF to exist.

The role of the Foreign Assistance, or "F", bureau within the State Department needs to be examined. The bureau arose because USAID couldn't tell the State Department what amount of funding it was spending where, and that is unacceptable. "F" has now gone beyond the coordination role to direct where and how money should be spent, in a manner that has added more time and bureaucracy to the process with little substantive value.

Finally, while it cannot be accomplished by legislation, the current National Security Council (NSC) mechanisms for dealing with democracy and human rights need to be fixed. There needs to be one Senior Director dealing with democracy and human rights. In both the Clinton and George W. Bush administration, the more senior attention to the issue helped implement the President's policies. Currently, the account is split between a Senior Director handling multilateral issues and human rights, a Director whose title includes democracy (reporting to a Senior Director responsible for development) and a regional Senior Director whose title does not include democracy but who is an effective and valiant supporter of this policy element. Given the NSC's intended role in coordinating policy, speaking as someone who once worked there, this is not a satisfactory or effective arrangement.

As in the past, such Congressional actions would strengthen the bureaucratic capabilities of those who believe in a more robust approach to human rights and democracy. That said, improving delivery mechanisms is no substitute for vigorous leadership by the President and Secretary of State.

As noted earlier, for more than 30 years, since the presidencies of Jimmy Carter and Ronald Reagan, human rights and then democracy have been at the forefront of our foreign policy in a bipartisan manner. There are certainly critiques to be made of each administration. There were

greater and lesser emphases – for George H. W. Bush and Bill Clinton, it was a central issue; Carter, Reagan and George W. Bush put it at the core of their foreign policies. It is also true that each administration rightly faced questions on consistency – for example, President Clinton in Indonesia, and George W, Bush in Pakistan and on detainees. But these instances were notable because they were exceptions to a rule. The issue in each case was adherence to principles enunciated and generally implemented, not whether a policy existed at all, or whether an enunciated policy was being at least generally implemented.

Strong, consistent, leadership on democracy and human rights from the top of the administration – and at least general implementation of the enunciated policy – is important for three reasons.

First, much attention is paid to the administration's funding levels for democracy programming. This is substantively important, given what democratic foreign leaders point to as the results of America's democracy programming over the past quarter century, from Chile to the Philippines to Poland, Mongolia, Serbia, Georgia, Moldova, and many others. Here in Washington, it is also seen as a symbolic measure of U.S. support for democracy in countries in remaining repressive countries such as Cuba, Belarus, Iran and Burma. In instances such as these, Congress can exert its influence by earmarking funds certain countries. The implementation of such earmarks can be greatly influenced by the second reason for strong presidential/administration support: the message sent within the bureaucracy.

Too often it is easy for the career bureaucracy to minimize democracy and human rights because these elements complicate other bilateral issues, such as economic or trade or security relationships. Skilled diplomats know that it is possible to achieve both. But clear statements by the President and Secretary of State on democracy and human rights contribute to the degree to which efforts will be made by U.S. Country Teams to implement programs and seek to garner international support for those seeking to better their conditions under authoritarian regimes. Under President Clinton and Secretary Albright and President Bush and Secretaries Powell and Rice, for example, U.S. diplomats understood that human rights and democracy were strong emphases of U.S. foreign policy.

Third, and perhaps most important, the degree of administration support for democracy and human rights is watched closely by autocratic and totalitarian foreign leaders. They are trying to discern how to manage relations with the world's most powerful country. When American leaders diminish our emphasis and consistency on democracy and human rights, foreign leaders understand that they don't have to do as much on those issues to maintain good relations with Washington.

It is generally acknowledged that, like the Reagan administration almost three decades ago, the administration of President Barack Obama had a weak start on this issue. Like Reagan, President Obama succeeded a President who faced criticism that foreign policy mistakes had been caused by a misplaced human rights/democracy focus. As in the Reagan administration, senior officials early in the Obama administration, in public pronouncements and in engagement with repressive governments, downgraded the importance on human rights. As during the early Reagan administration, this in turn led to strong public criticism against the administration for a

diminished human rights and democracy emphasis. On China alone, for example, commenting on statements during Secretary Clinton's February 2009 trip, *The Washington Post* wrote "Ms. Clinton's statements will have an effect. It will demoralize the thousands of democracy activists in China, and it will cause many others around the world to wonder about the character of the new administration." Scolding the President after his November 2009 trip to China, *The New York Times* opined "the American President must always be willing to stand up to Beijing in defense of core American interests and values."

Similar criticism has been leveled against the administration for diminished attention to human rights and democracy issues over the last 17 months in Afghanistan, Burma, Cuba, Egypt, Iran, Malaysia, Russia, Syria, Sudan and Venezuela.

Obama has given speeches that mentioned or dealt at some length with human rights and democracy in June 2009 in Cairo, Egypt, in July in Accra, Ghana, and in December in Stockholm, for his Nobel Peace Prize. Secretary of State Hillary Clinton also enunciated such principles in her December Georgetown speech (though she also broadened the American definition of human rights to include economic empowerment) and in her January Internet freedom speech. Taken together, these speeches provided the underpinning for the National Security Strategy, which was released a fortnight short of the anniversary of Reagan's Westminster speech, and which renews the bipartisan, three decade long commitment to advancing human rights and democracy. Given the speeches and the National Security Strategy, one would conclude that the administration wants to continue the three decade, bipartisan policy of its five predecessors.

Unfortunately, speeches and strategy documents are only one part of policy making and implementation. While welcome, given earlier ambiguity, neither the speeches nor the National Security Strategy bear the clarion call of the Westminster speech; most important, they do not provide a strategy or a means of implementation. Seventeen months after his inaugural, Reagan set forth the NED and its mission as a part (along with a diplomatic emphasis) to ensure follow through on his speech. Seventeen months after his inaugural, Obama has offered no means to ensure follow through on his speeches.

Apparently this issue is still being debated inside the administration. The lack of human rights and democracy policy implementation is evident in the leaked seven page draft Obama administration Presidential Study Directive on global development, which mentions "democratic governance" once, following up the on the one mention only by saying that "we will ramp up our efforts in support of select countries and sub-regions where the political and economic conditions are right to sustain progress…"

Parsing statements by the President and Secretary of State leads one to the conclusion that the administration remains divided on such basic issues as the extent to which aiding democracy and human rights is meritorious as an end in itself, or should be done mainly as a means to help alleviate poverty and assist economic development. This reflects the continued inability of the Obama administration to come to terms – as Reagan had at the same point in his time in office – with the legacy of his predecessor. As *The New York Times* wrote last month in reporting on the

Obama National Security Strategy, "it does not make the spread of democracy the priority that Mr. Bush did, but it embraces the goal more robustly than is typical for Mr. Obama, a reflection of a struggle in his administration about how to handle a topic so associated with Mr. Bush."

A lack of strong, consistent leadership from the top of the administration, – and at least general implementation of the enunciated policy – has become apparent to the bureaucracy; one result is the cutting or slowing of funding for democracy programming in countries such as Belarus, Cuba, Egypt, Iran, North Korea, Venezuela and Zimbabwe.

Another consequence is that our embassies abroad are providing less diplomatic support on human rights and democracy. Asked about the U.S. position on democracy in Egypt, our Ambassador to Cairo praises the country's press freedoms. Our charge in Minsk has decided that the Belarusian opposition no longer needs materiel assistance. Our Ambassador in Bishkek declined to meet with opposition leaders – until they came to power in April. Foreign leaders also remain unconvinced that the President's speeches are actually becoming policy. In China, for example, reportedly after President Obama privately raised his case during his trip to Beijing, Liu Xiaobao received the longest sentence for subversion in more than a decade. The administration pushed privately for the lifting of Egypt's Emergency Law, then reacted mutedly when it was renewed.

Most poignantly, foreign democrats and dissidents have also noticed. Commenting on President Obama's delayed meeting with the Dalai Lama, former Czech President Vaclav Havel said of Beijing "they respect it when someone is standing his ground, when someone is not afraid of them. When someone soils his pants prematurely, then they do not respect you more for it."

Cyberdissident Ahed Al-Hendi stated that previously, in Syria "when a single dissident was arrested…at the very least the White House would condemn it. Under the Obama administration, nothing."

Malaysia's Anwar Ibrahim said "Our concern is that the Obama administration is perceived to be softening on human rights… once you give a perception that you are softening on human rights, then you are strengthening the hands of autocrats to punish dissidents throughout the world."

According to Egypt's Saad Eddin Ibrahim, "George W. Bush is missed by activists in Cairo and elsewhere who – despite possible misgivings about his policies in Iraq and Afghanistan – benefited from his firm stance on democratic progress. During the time he kept up pressure on dictators, there were openings for a democratic opposition to flourish. The current Obama policy seems weak and inconsistent by contrast."

Seventeen months into his presidency, Ronald Reagan determined that the unprecedented policy of Jimmy Carter would be retooled and maintained in his Presidency, and offered the strategy and means to do so. His efforts have earned us decades of friendship from newly free nations around the world.

Seventeen months into his presidency, the Obama administration has decided that the bipartisan, 33-year old policy of his five predecessors will be continued, but has not yet offered a strategy or method of implementation. Those struggling for liberty overseas rightly see in President Obama the best symbol of one of the strengths of a democracy, but are reluctantly coming to believe that he lacks substantive empathy for their cause.

As the Obama administration continues to wrestle with its approach, Congress can help. Many good suggestions for increasing the effectiveness of our human rights and democracy assistance have been reviewed and offered today.

In the decades since our country committed itself to actively supporting democracy and human rights abroad, Congress has repeatedly stepped in when it found seemingly more committed administrations insufficiently interested in human rights and democracy. It is time for the Congress to do so again.